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18 Attorneys for IN-N-OUT BURGERS, a California  
19 corporation.

20  
21 UNITED STATES DISTRICT COURT  
22  
23 CENTRAL DISTRICT OF CALIFORNIA

24 IN-N-OUT BURGERS, a California  
25 corporation,

26 Case No. 8:CV08-01418 AG (RNBx)

27  
28 **STIPULATION FOR DISMISSAL  
PURSUANT TO F.R. CIV.P. 41(a)(2)**

Plaintiffs,

v.

IN & OUT SMOG, INC., a  
California corporation,

Defendant.

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STIPULATION FOR DISMISSAL PURSUANT TO F.R. CIV.P. 41(a)(2)

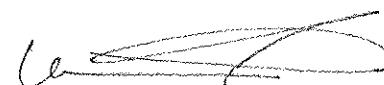
1 **STIPULATION**

2 IT IS STIPULATED by and between the parties hereto that this action be  
3 dismissed with prejudice as to all parties; each party to bear his/her/its own  
4 attorneys' fees and costs. This stipulation is made as a result of the settlement of  
5 the action.

6  
7 IT IS SO STIPULATED.

8  
9 Dated: November 20, 2009

MADISON HARBOR, ALC

10  
11 By: 

12 Warren Morten  
13 Attorneys for Plaintiff

14  
15  
16  
17 Dated: November 23 2009

PEPPER HAMILTON, LLP

18  
19 By: 

20 Salvatore Picariello  
21 Attorneys for Defendants

## PROOF OF SERVICE

I am employed in the County of Orange, State of California, am over the age of 18 and not a party to the within action. My business address is Pepper Hamilton LLP, 4 Park Plaza, Suite 1200, Irvine, California 92614. I am over the age of 18 and not a party to the action. I am readily familiar with the firm's practice of collection and processing of correspondence for mailing.

On the date set forth below, I served the foregoing documents described  
***STIPULATION FOR DISMISSAL PURSUANT TO F.R. CIV.P. 41(a)(2)*** on all  
interested parties in this action by placing [ ] the original [ x ] a true copy thereof in a sealed  
envelope addressed as follows:

Warren Morten, Esq.  
MADISON HARBOR, ALC  
17702 Mitchell North  
Irvine, California 92614  
wmorten@madisonharbor.com

**BY MAIL:** I am “readily familiar” with Pepper Hamilton’s practice for collecting and processing correspondence for mailing with the United States Postal Service. Under that practice, it would be deposited with the United States Postal Service that same day in the ordinary course of business. Such envelope(s) were placed for collection and mailing with postage thereon fully prepaid at Irvine, California, on that same day following ordinary business practices.

**BY OVERNIGHT DELIVERY:** I deposited such document(s) in a box or other facility regularly maintained by the overnight service carrier, or delivered such document(s) to a courier or driver authorized by the overnight service carrier to receive documents, in an envelope or package designated by the overnight service carrier with delivery fees paid or provided for, addressed to the person(s) being served.

**BY E-MAIL OR ELECTRONIC TRANSMISSION:** I caused a copy of the document(s) to be sent from e-mail address [kingp@pepperlaw.com](mailto:kingp@pepperlaw.com) to the persons at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

**BY PERSONAL SERVICE:** I caused to be personally delivered such envelope directly to the person(s) being served.

[ ] (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

[ X ] (Federal) I declare under penalty of perjury under the laws of United States of America that the above is true and correct.

I declare that I am employed in the office of a member of the bar of this Court at whose direction this service was made. Executed on November 23, 2009, at Irvine, California.

Patricia E. King